

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND
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November 17, 2009

On Friday, November 20, 2009 the California Public Utilities Commission (“PUC”) is set to consider Southern California Edison’s (“Edison”) Advice Letter 2334-E which proposes to eliminate the long-standing option of placing electrical distribution system equipment underground at the customer’s sole expense. Just as critically, the proposed action would even allow facilities that are already located underground to be moved aboveground without significant regard for the negative impacts those facilities might have on existing neighborhoods and local rights of way.

While the issue thus far has been cast solely as a public safety and service reliability issue, the facts in the record do not yet support this conclusion. Moreover, the action proposed by Southern California Edison would not provide for reasonable local control by the county or other local jurisdictions over the aesthetic improvements that can be required, or other critical time, place and manner considerations that local governments should be able to reasonably institute. The proposed rule may therefore cause negative aesthetic impacts and impede the county’s ability to create pedestrian and bicycle-friendly street improvements.

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MOLINA _____

RIDLEY-THOMAS _____

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KNABE _____

It is worth noting that the so-called assurances that this proposed rule uses to address acknowledged aesthetic concerns states only that Edison's "aesthetic surface improvement options for above-ground Equipment will not override local ordinances" related to supposedly similarly-sized facilities of public convenience and necessity such as fire hydrants, mail boxes, and trash cans. Unfortunately, this "assurance" provides no comfort at all since mailboxes and fire hydrants are obviously not subject to aesthetic controls and bear virtually no relationship to electrical equipment in terms of public safety, aesthetic impacts, or the need for readily available and frequent public access. As a result, this proposed rule could arguably eliminate aesthetic controls that the county already has in place. Therefore, more work needs to be done to develop a process that meets the needs of both Edison and local communities and the PUC should ensure that this process takes place before Edison's request is approved.

The County of Los Angeles should also stand ready to work with Edison and the PUC to address any legitimate issues of service reliability and public safety. However, these issues may take time to resolve so the PUC should take Edison's proposal off-calendar until good-faith discussions between Edison and their local government partners have been given a reasonable chance to succeed.

WE, THEREFORE, MOVE that the Board of Supervisors send a five-signature letter to the California Public Utilities Commission asking them to take off-calendar Southern California Edison's proposal to delete the option to have electrical distribution equipment installed underground, and additionally direct Edison to work in good faith with local communities to address our legitimate aesthetic and other concerns before this

this proposal is adopted.

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WE FURTHER MOVE that the Board of Supervisors instruct the Chief Executive Officer, the Director of Public Works, the Acting Director of Regional Planning and all other appropriate departments to stand ready to work cooperatively with the California Public Utilities Commission and Southern California Edison to address any legitimate safety and service reliability issues that are intended to be addressed by this proposed rule change and report back to the Board of Supervisors at appropriate intervals on their progress in working with the Public Utilities Commission and Southern California Edison.

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